

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2446

Introduced by Assembly Member Perea

February 24, 2012

~~An act to amend Section 5096.689 of the Public Resources Code, relating to parks and recreation. An act to amend Section 21092.2 of, and to repeal Section 21162 of, the Public Resources Code, relating to environmental quality.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2446, as amended, Perea. ~~Parks and recreation: grants: water conservation measures.~~ *Environmental quality: notices.*

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires a lead agency to provide specified notices, including among others, a notice determining the necessity for an EIR, to be mailed to every person who has filed a written request for notices. CEQA requires the notice of completion of an EIR be provided, upon request, by the State Clearinghouse to a legislator in whose district the

project has an environmental impact if the State Clearinghouse has received the notice.

This bill would additionally require the lead agency to provide a notice of completion of an EIR to every person who has filed a written request for notices, thereby imposing a state-mandated local program. The bill would additionally require the State Clearinghouse to provide, upon request, to the legislator a notice determining the necessity for an EIR.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires criteria and procedures adopted by the department for evaluating applications for certain grants made available relating to the development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas, to include recommendations that the grant applicant consider water conservation measures in their proposed project.~~

~~This bill would make technical, nonsubstantive changes to that law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21092.2 of the Public Resources Code is
2 amended to read:
3 21092.2. (a) The notices required pursuant to Sections
4 21080.4, 21083.9, 21092, 21108, ~~and~~ 21152, *and* 21161 shall be
5 mailed to every person who has filed a written request for notices
6 with either the clerk of the governing body or, if there is no
7 governing body, the director of the *public* agency. If the *public*
8 agency offers to provide the notices by e-mail, upon filing a written
9 request for notices, a person may request that the notices be
10 provided to him or her by e-mail. The request may also be filed
11 with any other person designated by the governing body or director
12 to receive these requests. The *public* agency may require requests
13 for notices to be annually renewed. The public agency may charge
14 a fee, except to other public agencies, that is reasonably related to

1 the costs of providing this service. ~~This section may not be~~
2 ~~construed in any manner that results in the invalidation of an action~~
3 ~~because of the failure of a person to receive a requested notice,~~
4 ~~provided that there has been substantial compliance with the~~
5 ~~requirements of this section.~~

6 *(b) The notices required pursuant to Sections 21080.4 and 21161*
7 *shall be provided by the State Clearinghouse to a legislator in*
8 *whose district the project has an environmental impact if the*
9 *legislator requests the notice and the State Clearinghouse has*
10 *received it.*

11 *(c) This section does not, in any manner, result in the*
12 *invalidation of an action because of the failure of a person to*
13 *receive a requested notice if there has been substantial compliance*
14 *with the requirements of this section.*

15 *SEC. 2. Section 21162 of the Public Resources Code is*
16 *repealed.*

17 ~~21162. A copy of the notice of completion of an environmental~~
18 ~~impact report on a project shall be provided, by the State~~
19 ~~Clearinghouse, to any legislator in whose district the project has~~
20 ~~an environmental impact, if the legislator requests the notice and~~
21 ~~the State Clearinghouse has received it.~~

22 *SEC. 3. No reimbursement is required by this act pursuant to*
23 *Section 6 of Article XIII B of the California Constitution because*
24 *a local agency or school district has the authority to levy service*
25 *charges, fees, or assessments sufficient to pay for the program or*
26 *level of service mandated by this act, within the meaning of Section*
27 *17556 of the Government Code.*

28 ~~SECTION 1. Section 5096.689 of the Public Resources Code~~
29 ~~is amended to read:~~

30 ~~5096.689. Procedures and criteria adopted by the department~~
31 ~~for evaluating applications for grants made available pursuant to~~
32 ~~subdivisions (a), (b), and (c) of Section 5096.620 for the~~
33 ~~development of neighborhood, community, and regional parks and~~
34 ~~recreation lands and facilities in urban and rural areas shall include~~
35 ~~recommendations that grant applicants consider the implementation~~
36 ~~or installation of water conservation measures as part of their~~
37 ~~proposed project. The department shall develop those~~

- 1 ~~recommendations in consultation with the Department of Water~~
- 2 ~~Resources.~~

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